IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10472 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

K.O.SHAH MUNICIPAL COLLEGE OF ARTS AND COMMERCE DHORAJI

Versus

KAVITA MISHRA

Appearance:

1. Special Civil Application No. 10472 of 2004

MR RAJESH K SAVJANI for Petitioner No. 1

RULE SERVED for Respondent No. 1,2

MR AR THACKER for Respondent No. 2

MR.SIRAJ GORI, ASSISTANT GOVERNMENT PLEADER for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 24/02/2005

ORAL JUDGEMENT

This Court issued rule on 26.08.2004 and granted ad interim stay in terms of para 6(B). The Court was pleased to issue notice as to interim relief returnable on 01.10.2004. Though this order was served to respondent no.1 on 11.09.2004 till date respondent no.1 has not filed any appearance before this Court.

2. Mr.Savjani, learned advocate for the petitioner placed reliance on a decision of this Court (Coram: Akil Kureshi, J.) in Special Civil Application No.9630 of 2000 with Special Civil Application No.9656 of 2000 dated 14.10.2004. He submitted that the issue involved in this petition is squarely covered by the said decision.

3. Mr.Thacker, learned advocate appearing for respondent no.2 does not controvert the statement of learned advocate for the petitioner. Mr.Siraj Gori, learned Assistant Govt. Pleader appearing for respondent no.3 is also not controverting the said situation. In the aforesaid facts and circumstances, for the reasons recorded in the said judgement and order dated 14.10.2004, this petition is allowed. Rule is made absolute with no order as to costs.

(Ravi R. Tripathi, J.)

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